

Tuesday, September 10, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Debbie Arnold and Acting Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY ACTING CHAIRPERSON BRUCE S. GIBSON.

Consent Agenda – Review and Approval:

1-9. & 11-18. This is the time set for consideration of the Consent Agenda.

Supervisor Arnold: states she will recuse herself from voting on Item No. 10 and requests this item be pulled from the Consent Agenda for separate action.

The action taken for Consent Agenda items 1 through 9 and 11 through 18 on the following vote is indicated for each item.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Submittal of a resolution proclaiming September 2013 as "Emergency Preparedness Month" in San Luis Obispo County.

Dr. C. Hite (video); Ms. Linde Owen; and Mr. Eric Greening: speak.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-211A, adopted.

Consent Agenda - Auditor - Controller Items:

2. Submittal of a report of the Annual Fiscal and Compliance Review of establishments subject to the County Transient Occupancy Tax Ordinance and San Luis Obispo County Tourism Business Improvement District assessment for calendar year 2012.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

3. Submittal of a resolution proclaiming September 2013 as "Childhood Cancer Awareness Month" in San Luis Obispo County.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-212, adopted.

Consent Agenda - District Attorney Items:

4. Submittal of the FY 2012-13 Annual Report of the Real Estate Fraud Prosecution Program as required per Government Code Section 27388.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

5. Request to approve the renewal contract (Clerk's File) with Coast Unified School District for FY 2013-14 in an amount not to exceed \$49,284 to provide drug and alcohol prevention counseling services.

The Board approves as recommended by the County Administrative Officer.

6. Request to approve a renewal contract (Clerk's File) with San Luis Obispo Child Development Center, Inc. for FY 2013-14 in an amount not to exceed \$50,000 to provide mental health services to Medi-Cal eligible children.

The Board approves as recommended by the County Administrative Officer.

7. Request to approve: 1) renewal contract (Clerk's File) with Lucia Mar Unified School District for FY 2013-14 in an amount not to exceed \$54,195 under which the County will provide on-site support in addition to educationally related mental health services in the District's special education classes; 2) a budget adjustment in the amount of \$116,421 from unanticipated revenue to Fund Center 166-Behavioral Health and 3) a related resolution amending the Position Allocation List for Fund Center 166-Behavioral Health to add one 1.0 FTE Mental Health Therapist IV.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-213, adopted.

8. Request to approve a new contract (Clerk's File) with J. Eduardo Guzman, M.D. for calendar year 2013 at a cost of \$121 per hour for regular shifts and a cost of \$163 per hour for on call shifts to provide psychiatric services for Mental Health patients.

The Board approves as recommended by the County Administrative Officer.

9. Request to approve an amendment to the contract with Woods Humane Society, Inc., to update the service fees for spay and neuter services provided to Animal Services, with all other provisions remaining the same.

The Board approves as recommended by the County Administrative Officer.

11. Request to approve a renewal contract (Clerk's File) with Sanford L. Friedlander, M.A., L.P.T., L.M.F.T. for FY 2013-14 in the amount not to exceed \$491,886 to provide mental health crisis intervention services.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

12. Submittal of two resolutions approving a replacement Land Conservation contract and a Solar-Use Easement agreement granting a Solar-Use easement to the County pursuant to the California Land Conservation Act of 1965 and consideration of the previously-adopted Negative Declaration prepared for the project. District 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2013-214 and 2013-215, adopted.

Consent Agenda - Public Works Items:

13. Submittal of bid opening report for the Klau Mine Road and the Huasna Road Slip Out Repair Contract and to award the subject contract to Whitaker Construction Group, Inc., the lowest responsible bidder, in the amount of \$175,625. Districts 1 and 4.

The Board approves as recommended by the County Administrative Officer.

14. Submittal of bid opening report for 2013 Micro-Surfacing, various county roads and to award the subject contract to Intermountain Slurry Seal, the lowest responsible bidder, in the amount of \$688,120. Districts 1, 2 and 3.

The Board approves as recommended by the County Administrative Officer.

15. The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on the tentative map, Tract 2766, a proposed subdivision for condominium purposes resulting in 6 units by Gary C. Wells, Trustee of the Gary C. Wells 1996 Revocable Trust, Oceano. District 4.

The Board approves as recommended by the County Administrative Officer.

16. Request to approve an agreement for engineering consulting services with Drake Haglan and Associates, Inc. in an amount not to exceed \$393,804.77, for the Air Park Drive at Oceano Beach Lagoon Bridge Replacement Project, Oceano. District 4.

The Board approves as recommended by the County Administrative Officer.

17. Request to approve an agreement for engineering consulting services with Quincy Engineering, Inc., in an amount not to exceed \$539,093.71, for the El Camino Real over Santa Margarita Creek Bridge Replacement Project, Atascadero. District 5.

Mr. Eric Greening: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda Public Works - Board Sitting as Flood Control District:

18. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the Nacimiento Water Project’s Intake Pipe Repair. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-216, adopted.

Health Agency Item - pulled from the Consent Agenda:

10. Request to approve a renewal contract (Clerk’s File) with Community Action Partnership of San Luis Obispo for FY 2013-14 in the amount not to exceed \$361,347 to provide mental health services in accordance with the Mental Health Services Act and services in support of the 2011 Public Safety Realignment Implementation Plan.

Supervisor Arnold: states she is recusing herself from voting on this item.

The Board approves and directs the Acting Chairperson to sign a renewal contract with Community Action Partnership of San Luis Obispo for FY 2013-14 in the amount not to exceed \$361,347 to provide mental health services in accordance with the Mental Health Services Act and services in support of the 2011 Public Safety Realignment Implementation Plan.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)				x

Public Comment Period:

19. This is the time set for members of the public wishing to address the Board on matters that are not scheduled on the agenda.

Ms. Jane Swanson; Ms. Linda Seeley; Ms. Sherry Lewis (flyer); Ms. Elizabeth Brousse - San Luis Obispo Mothers for Peace; Mr. Klaus Schumann (handout); Mr. Fred Frank; Mr. Jay Adams (handout); Ms. Carole Hisasue; and Ms. Henriette Groot: address concerns regarding overcrowded spent nuclear fuel pools at the Nuclear Diablo Canyon Power Plant; and request the Board write a letter to the Nuclear Regulatory Commission (NRC) regarding this matter.

Ms. Julie Tacker (letter); Dr. C. Hite (video); Mr. Richard Margetson (document); and Ms. Linde Owen (document and photographs): comment on various issues concerning the Los Osos Wastewater Project (LOWWP).

Ms. Andrea Seastrand and Mr. Edward Veek: speaks to the Resilient Communities agreement and requests the Board agendize a hearing regarding this matter.

Mr. Ben DiFatta: discusses his recent dream with the President and the Board's actions to various community concerns.

Mr. Eric Greening: addresses the upcoming Sustainable Communities Strategy meeting; and comments on Senate Bills 4, 743 and 731.

Mr. Gary Kirkland: speaks to global warming.

The Board directs staff to schedule a presentation with PG&E regarding the spent fuel pool concerns at the Diablo Canyon Power Plant; and to work with Supervisor Hill on what he wants to bring forward (potential letter to the NRC).

Hearings:

20. Hearing to announce Proposition 218 results for the proposed Tract 1747 Streetlight Assessment District and submittal of a resolution ordering the improvements for the Tract 1747 Streetlight Assessment District. District 4.

Acting Chairperson Gibson: opens the floor to public comment without response.

The Board ratifies the results of the Proposition 218 Assessment proceedings, which were conducted by the Clerk; and RESOLUTION NO. 2013-217, a resolution overruling protests, approving engineer’s report, levying assessments, and ordering the improvements for the Tract 1747 Streetlight Assessment District, adopted.

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

21. Hearing to consider a request by Robert and Melanie Tucker for a variance granting modification of special construction standards in a flood hazard zone and submittal of a resolution denying the requested variance. District 5.

Ms. Margaret Holstine – representing Melanie and Richard Tucker (map): speaks.

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Melanie Tucker: speaks.

Ms. Holstine: provides closing statements.

Board Members: discuss the need to review the new information presented today; and get feedback from Federal Emergency Management Agency (FEMA).

The Boards continues the hearing off-calendar; directs staff to work with the applicant; and return at the earliest possible date.

Motion by: Debbie Arnold
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

22.

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. In re Los Osos Community Services District (Bankruptcy); 2. North County Watch v. County of San Luis Obispo (Santa Margarita Ranch Subd., CV098031).

B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 3. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 4. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

II. PERSONNEL (Gov. Code, § 54957.) It is the intention of the Board to meet in closed session to: 5. Consider Public Employee Appointment for the Position of Director of Building/Planning.

III. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code ' 54957.6.)

A. It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 6. SLOCEA-Public Services, Supervisors, Clerical; 7. Deputy Sheriff’s Association; 8. DAIA; 9. SLOCPMPOA; 10. DCCA; 11. SLOGAU; 12. Sheriffs’ Management; 13. SLOCPPOA.

B. It is the intention of the Board, sitting as the Governing Board of the San Luis Obispo County In Home Support Services Public Authority, to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: Name of employee organization: 14. United Domestic Workers.

Acting Chairperson Gibson: states Closed Session is cancelled.

Presentations:

23.

Submittal of a resolution proclaiming September 9, 2013 as "National Fetal Alcohol Spectrum Disorders Awareness Day."

Ms. Lisa Frazer – San Luis Obispo Child Abuse Prevention Council Executive Director (poster and flyer) and Ms. Jennifer Stone – Beginnings of San Luis Obispo County: speak.

RESOLUTION NO. 2013-218, a resolution proclaiming September 9, 2013 as National Fetal Alcohol Spectrum Disorders Awareness Day, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

24. Submittal of a resolution proclaiming September 2013 as "Cancer Awareness Month" in San Luis Obispo County.

Ms. Heather Hellman and Ms. Lynne Watkins: speak.

RESOLUTION NO. 2013-219, a resolution proclaiming September 2013 as “Cancer Awareness Month” in San Luis Obispo County, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

25. Submittal of a resolution recognizing the 7th annual Celebration of Mexican Independence from Spain, "El Grito de la Independencia", in San Luis Obispo County.

Ms. Jacqueline Frederick - Latino Outreach Council Chairperson: speaks.

RESOLUTION NO. 2013-220, a resolution recognizing the 7th annual celebration of Mexican Independence from Spain, “El Grito de la Independencia”, in San Luis Obispo County, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business:

26. Request to support the San Luis Obispo City’s preferred alignment for the section of the Bob Jones Pathway connecting the Octagon Barn, 4595 South Higuera Street, San Luis Obispo, CA to Los Osos Valley Road, based on the City of San Luis Obispo's study. District 3.

(This item is withdrawn, per the addendum to the agenda. It has been determined that Board action on the Bob Jones Pathway Octagon Barn Connection Study is not needed at this time. With support from the County Parks and Recreation Commission, the next County action will occur at the project design phase.)

27. Consideration of a request to authorize a General Plan/Local Coastal Plan Amendment by Chevron Environmental Management Company to amend the Avila Beach Specific Plan and San Luis Bay Area Plan (Coastal) to change the land use category from Industrial to Recreation, and include development standards for the future redevelopment of the former Avila Tank Farm. District 3.

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Debbie Rudd – RRM Design Group (powerpoint): speaks.

The Board reviews the proposal (LRP2012-00003 – Chevron Environmental Management Company) and determines to authorize the processing for a General Plan/Local Coastal Plan Amendment by Chevron Environmental Management Company to amend the Avila Beach Specific Plan and San Luis Bay Area Plan (Coastal) to change the land use category from Industrial to Recreation, and include development standards for the future redevelopment of the former Avila Tank Farm.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, September 10, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: September 12, 2013